



April 6, 2001

ENGROSSED SENATE BILL No. 272

DIGEST OF SB 272 (Updated April 3, 2001 12:05 PM - DI 106)

Citations Affected: IC 9-22; noncode.

Synopsis: Abandoned vehicles on private property. Applies the procedures for the private removal of abandoned vehicles on rental property to all private property, except vehicle sale lots, automobile scrapyards, and property of a member of the armed forces on active duty. Provides transitional procedures for abandoned vehicles towed from private property before the effective date of the act.

Effective: Upon passage.

**Young R Michael, Howard, Clark,
Lanane**

(HOUSE SPONSORS — STURTZ, HINKLE)

January 11, 2001, read first time and referred to Committee on Judiciary.
February 22, 2001, amended, reported favorably — Do Pass.
February 26, 2001, read second time, ordered engrossed. Engrossed.
March 1, 2001, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 12, 2001, read first time and referred to Committee on Judiciary.
April 5, 2001, reported — Do Pass.

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ES 272—LS 7774/DI 96+



April 6, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED SENATE BILL No. 272

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-22-1-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter does not apply
3 to the following:
4 (1) A vehicle in operable condition specifically adapted or
5 constructed for operation on privately owned raceways.
6 (2) A vehicle stored as the property of a member of the armed
7 forces of the United States who is on active duty assignment.
8 (3) A vehicle located on a vehicle sale lot. ~~or at a commercial~~
9 ~~vehicle servicing facility.~~
10 (4) A vehicle located upon property licensed or zoned as an
11 automobile scrapyard.
12 (5) A vehicle registered and licensed under IC 9-18-12 as an
13 antique vehicle.
14 SECTION 2. IC 9-22-1-15 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. **(a)** A person
16 who finds a vehicle believed to be abandoned on ~~the person's rental~~
17 **private property that the person owns or controls, including rental**

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property, may:

(1) obtain the assistance of an officer under section 18 of this chapter to have the vehicle removed; or

(2) personally arrange for the removal of the vehicle by complying with subsection (b) and section 16 of this chapter.

(b) If the person wishes to personally arrange for the removal of the vehicle, the person shall attach in a prominent place a notice tag containing the following information:

(1) The date, time, name, and address of the person who owns or controls the ~~rental~~ private property and a telephone number to contact for information.

(2) That the vehicle is considered abandoned.

(3) That the vehicle will be removed after seventy-two (72) hours.

(4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.

(5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within seventy-two (72) hours.

SECTION 3. IC 9-22-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If after seventy-two (72) hours the person who owns a vehicle believed to be abandoned on ~~rental~~ private property **that the person owns or controls, including rental property**, has not removed the vehicle from the ~~rental~~ private property, the person who owns or controls the ~~rental~~ private property may have the vehicle towed from the ~~rental~~ private property. The towing operator shall do the following:

(1) Contact the bureau to obtain the name and address of the person who owns the vehicle.

(2) Deliver, by certified mail, a copy of the information contained in the notice required under section 15 of this chapter to the person who owns the vehicle. The notice required by this subdivision must be given not later than five (5) business days after the vehicle is removed.

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the ~~owner of~~ **person who owns or controls** the ~~rental~~ private property or poses a threat to the safety or security of persons or property, or both.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The definitions applicable to IC 9-22-1 apply to this SECTION.

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1 (b) This SECTION applies to an abandoned vehicle that:

2 (1) was towed by a towing service from private property
3 before the effective date of this SECTION;

4 (2) is in possession of a towing service company on the
5 effective date of this SECTION;

6 (3) could have been removed from private property under
7 IC 9-22-1-15 and IC 9-22-1-16, both as amended by this act,
8 if this act were in effect at the time that the towing service
9 removed the abandoned vehicle from the private property;
10 and

11 (4) the towing service has not received payment for the towing
12 charges accruing from removal of the vehicle from private
13 property.

14 (c) The towing service may post the notice tag required by
15 IC 9-22-1-15, as amended by this act, on a picture of the abandoned
16 vehicle and place the notice tag and picture in a prominent place
17 on the private property from which the abandoned vehicle was
18 towed for the time required by IC 9-22-1-15, as amended by this
19 act. The name and address on the notice tag may be the name and
20 address of the owner of the private property or the name and
21 address of the towing service. The notice tag must state the address
22 where the vehicle is located. Compliance with this subsection shall
23 be treated as compliance with IC 9-22-1-15, as amended by this act.

24 (d) A towing service may recover costs incidental to the removal
25 and storage of an abandoned vehicle that accrued before the
26 effective date of this SECTION to the same extent as if the costs
27 were accrued after the effective date of this SECTION.

28 SECTION 5. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senators Howard and Clark be added as coauthors of Senate Bill 272.

YOUNG R MICHAEL

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 272, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 272 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Lanane be added as coauthor of Engrossed Senate Bill 272.

YOUNG R MICHAEL

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 272, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

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